

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6982**

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SHAWN HOLLIMAN,

Petitioner - Appellant,

versus

THEODIS BECK, Secretary, North Carolina  
Department of Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. James A. Beaty, Jr.,  
District Judge. (CA-03-1236-1-JAB)

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Submitted: November 30, 2005

Decided: December 12, 2005

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Before WILLIAMS, GREGORY, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Shawn Holliman, Appellant Pro Se. Clarence Joe DelForge, III,  
NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Shawn Holliman seeks to appeal the district court's order denying his 28 U.S.C. § 2254 (2000) petition. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's judgment was entered on its docket on January 6, 2005. According Holliman the benefit of Fed. R. App. P. 4(c), his notice of appeal was filed on June 20, 2005. Because Holliman failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED